

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

CHARLES and PATRICIA E. SACCIO,  Plaintiffs,   vs.  BANK OF AMERICA, INC., et al.,  Defendants.	MEMORANDUM DECISION AND ORDER GRANTING DEFENDANTS' MOTION TO DISMISS   Case No. 2:11-CV-511 TS
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The Court has before it Defendants Bank of America, N.A. (erroneously named as Bank of America, Inc.), BAC Home Loan Servicing, L.P., Countrywide Home Loans, Inc., Countrywide Home Loans, Inc. dba America's Wholesale Lender, Green Tree Servicing, LLC, and Mortgage Electronic Registration Systems, Inc.'s (collectively, "Defendants") Motion to Dismiss Plaintiff's Complaint.<sup>1</sup>

Defendants contend that each of the causes of action alleged in the Complaint have been repeatedly rejected by this Court and rely upon meritless misinterpretations of case law and Utah statutes. The Court agrees. In fact, this Court recently rejected a complaint filed by Plaintiffs'

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<sup>1</sup>Docket No. 7.

counsel in a separate matter which was nearly identical to the one presently before the Court.<sup>2</sup>

The Court finds no meaningful distinction between this cause of action and the numerous actions the Court has previously dismissed. As persuasively demonstrated by Defendants in their memoranda, this Court's prior orders are founded in well-established law. The Court finds no reason to depart from its prior holdings that these claims fail as a matter of law.

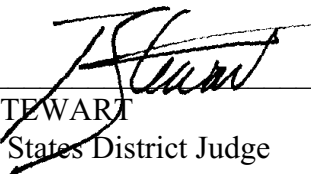
Because Plaintiffs have failed to plead a claim upon which relief may be granted, it is therefore

ORDERED that Defendants' Motion to Dismiss (Docket No. 7) is GRANTED. The action is hereby DISMISSED WITH PREJUDICE.

The hearing set for September 13, 2011 is STRICKEN. The Clerk of the Court is directed to close this case forthwith.

DATED August 29, 2011.

BY THE COURT:

  
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TED STEWART  
United States District Judge

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<sup>2</sup>See *Knudsen v. Countrywide Home Loans, Inc.*, Case No. 2:11-CV-429 TS, 2011 WL 3236000 (D. Utah July 26, 2011).